

Application No. 10/006,660

REMARKS

By this Amendment, claims 1, 3, 8, 10 and 18 are amended, claim 2 is canceled and claims 9 and 11-17 are withdrawn from prosecution. Accordingly, claims 1, 3-8, 10 and 18-20 are pending in the application. No new matter is added in the claim amendments. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicant gratefully acknowledges the Office Action indication that claim 18 recites allowable subject matter. However, for the reasons set forth below, Applicant respectfully submits that all claims are in condition for allowance.

The Office Action objects to claims 1, 2 and 18 for informalities. The objection to claim 2 is moot because claim 2 is canceled; claims 1 and 18 are amended to obviate this grounds of objection. In particular, claims 1 and 18 are amended to recite "the transmissive portion having a first dimension at least at one sub-pixel out of the plurality of sub-pixels and the transmissive portion having a second dimension at another sub-pixel." Claims 1 and 18 are not narrowed by such amendment. Applicant respectfully requests that the objection be withdrawn.

The Office Action rejects claims 8 and 18 under 35 U.S.C. §112, second paragraph, as indefinite. This rejection is respectfully traversed. Claims 8 and 18 are amended to

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overcome this ground of rejection. In particular, claim 8 is amended to recite "opening parts of generally the same dimension, wherein a number of opening parts depends on the dimension of the transmissive area." Claim 18 is amended to recite "at least one color pigment layer is formed over an entirety of an area overlapping a transmissive area." Applicant submits that these amendments are made to clarify the claims, and that the claims are not narrowed by these amendments. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

The Office Action rejects claims 1-8, 10, 19 and 20 under 35 U.S.C. §102(b) over U.S. Patent No. 6,124,909 to Miyashita et al. (hereinafter "Miyashita"). This rejection is moot with respect to canceled claim 2, and is respectfully traversed with respect to the remaining claims.

The Office Action asserts that "the product-by-process limitation 'according to spectral properties of the illumination light' does not patentably distinguish the claimed invention over the prior art." Applicant respectfully disagrees.

Claim 1 is amended to remove the allegedly process-oriented language of "being formed such that" in favor of the clearly structural limitation "having." Thereby, the transmissive portion of the transfective layer is structurally limited to "having a first dimension at least at one sub-pixel out of the plurality of sub-pixels and the transmissive portion having a second dimension at another sub-pixel, the first and second dimensions differing according to spectral properties of the illumination light." Applicant respectfully submits that this structural limitation is not disclosed in Miyashita.

Miyashita discloses a liquid crystal display device wherein the area of each color filter is set to be smaller than that of each pixel area to form non-colored light exit areas (see column 2, lines 35-39). Miyashita further discloses the manipulation of the thicknesses of the color filters of the respective color areas in order to manipulate the spectral properties of the

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light transmitted through the color filters (see column 4, lines 8-22). Miyashita does not disclose or suggest a transmissive portion of a transfective layer, in addition to a color filter, wherein a first and second dimension of the transmissive portion differ "according to spectral properties of the illumination light," as recited in claims 1 and 18. In fact, the spectral properties of the illumination light (column 30, lines 13-25) are not discussed at all in Miyashita. Miyashita simply does not recognize any subject matter relating to a dimension of a transmissive portion of a transfective layer, in connection with spectral properties of the illumination light. Therefore, Miyashita does not disclose or suggest each and every feature recited in claims 1 and 18.

A similar amendment is made to claim 10, which recites "the dimensions of the pigment layer formation areas differing according to spectral properties of the illumination light."

Therefore, Applicant respectfully submits that Miyashita does not disclose each and every feature recited in claims 1, 10 and 18. Claims 3-8 and 19 depend from claim 1, and claim 20 depends from claim 10. Thus, claims 3-8, 19 and 20 are patentable over Miyashita for at least the reasons set forth above with respect to claim 1, as well as for the additional features they recite. Accordingly, Applicant respectfully requests that the rejection of claims 1, 3-8 and 19 under 35 U.S.C. §102(b) be withdrawn.

In view of the allowability of generic claim 1, Applicant hereby requests rejoinder of claim 9. In view of the allowability of claim 10, Applicant hereby also requests rejoinder of claims 11-17.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-20 are earnestly solicited.

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Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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